

**State of California
FISH AND GAME COMMISSION
(916) 653-4899
www.fgc.ca.gov**

**Meeting of
June 7, 2007 (Thurs.)
10:00 a.m.**

**Truckee Donner Public Utility District
Board Room
11570 Donner Pass Road
Truckee**

SUMMARY OF MEETING

1. PUBLIC FORUM

Ted Owens, Supervisor of the 5th District for Nevada County, welcomed the Commission and the public to Truckee and thanked the Commission for the work it does.

Sandra Morey welcomed the Commission to the North Central Region of Fish and Game, which includes Truckee.

Messrs. Jake Bushy, Jerry Karnow and Bob Orange gave a presentation on the shortage of Fish and Game wardens in California. They stated that although California is the third largest and most populated state in the nation, it ranked last in the per capita number of game wardens, and that this has a negative impact on the natural resources and public safety. They stated that if the wardens had a full force they would number approximately 215, and that in the next three years, 40 percent of the warden force, approximately 120, would retire; not counting the wardens that would separate for other reasons.

Commissioner Kellogg responded that this Commission has always advocated for game wardens and will continue to do so.

Chief Foley commented that all of the game wardens do this job because they believe in protecting the environment.

Commissioner Hanna commented that game wardens were attracted away by higher paying jobs.

Commissioner Sutton commented that the problem involves legislation and funding in order to hire more game wardens.

Vice President Gustafson requested the public, especially those watching on-line, contact their elected officials because the shortage of game wardens has become a crisis.

Walt Mansell expressed his support for the game wardens and commented that the problems they encounter are not new, but the disparity in their salary is.

Bob Broyer requested that the Commission adjust the bass limits for Lake of the Pines Association and establish a 15-inch minimum and a two-fish bag limit daily.

Chris Voss discussed commercial fisheries and the cost to the state to manage them in relationship to what they generate in revenue. He suggested the need for more participation from the industry in determining how the money generated is distributed. He also requested that the Commission allow fisheries to be more directly involved in the data collection process that is necessary to manage fisheries in a sustainable way.

Commissioner Sutton suggested that Mr. Voss attend the next Ocean Protection Council meeting in San Francisco as the Commission has authority but no money, and the California Protection Trust Fund (CPTF) has money, but no authority, and the CPTF was created to do the things Mr. Voss suggested.

Charles Bucaria submitted a resolution to the Commissioners requesting that they agendize a biological study to determine the population levels of anadromous fish, as well as developing strategic and management plans for the Smith River.

David Dempsey requested that the Commission agendize the decline of the Hat Creek Fishery and have participation from stakeholders. He also requested that this meeting be held in Redding, and suggested changing Commission meetings to evenings and/or weekends.

Paul Weakland provided the Commission with a handout regarding withering syndrome and stated that San Francisco, San Mateo, Santa Cruz, Monterey, and San Luis Obispo counties were never affected by withering syndrome and the sabellid worm, and requested that they be opened immediately for the harvest of abalone.

Dave Ford commended the Commission for regulations adopted on the Truckee River, and commented on the importance of maintaining the sustainability of the Truckee River as a quality fishery.

Neil Manji discussed the regulation process regarding the Truckee River, and stated that the Department is planning additional analysis of the Truckee, and will inform the Commission and community of the results of the current regulations three years from now, when the next regulatory cycle begins.

Peter Rivara provided a handout to the Commission regarding the Truckee River and commented on the lack of notification regarding the regulation changes. He also requested that the Commission agendize the Truckee River at the next July meeting in Bridgeport.

Richard Fehrt discussed the regulation changes on the Truckee River and the lack of public outreach. He stated the Wish to Fish Alliance group, created after the adoption hearing, requests the Commission reduce the limit of bait fishing from five to two fish with a barbless hook, and a 14-inch minimum.

Michael Melany discussed the lack of access on the Truckee River and requested that the Commission agendize the Truckee River at the July meeting.

Ron Talmage asked that the Commission agendaize the Truckee River for the July meeting, and that the Commission provide documentation to support their decision on regulation changes.

Trent Pridemore discussed urban population in regards to the Truckee River, and commended the Commission in passing the regulations.

Doc Acevedo shared photographs of the Truckee River with the Commission. He also stated his opposition to the new regulations and requested that they be changed so children and senior citizens could fish.

Donald Brown requested the Commission restore bait fishing on the Lower Truckee River.

Marti Waters requested the Commission consider banning rafters on the Truckee River, and also requested changing the regulations that were adopted regarding bait fishing, as the river is not over fished by bait or fly fishermen.

Richard Small stated he opposed year-round fishing regulations on the Truckee River and would like to see bait fishing restored.

Laura Small proposed a compromise to the new regulations on the Truckee River to allow bait fishing with a two fish limit, or one fish over 14 inches, with barbless hooks.

Cheryl Acevedo commented on the lack of notification regarding regulation changes on the Truckee River, and requested that the Commission consider re-agendaizing the Truckee River for the July meeting.

David Lass stated that Trout Unlimited endorsed the regulation changes on the Truckee, which will promote a quality angling experience for future generations of fishermen. He stated that Trout Unlimited looked forward to working with the Commission to help ensure sustainable and manageable fisheries for the future.

Mark Rockwell, representing the Gold County Fly Fishers from Nevada City, read a letter showing support on the new regulations on the Truckee River.

Barbara Small expressed her support for the Wish to Fish group, and requested the Truckee River be agendaized for the July meeting.

Roger Miller expressed support for the wardens and pay parity, and also stated he supports the current regulations on the Truckee River.

Frank Piscutta discussed the impacts of housing and the human population on the Truckee River, and supported the regulation changes the Commission adopted.

Alex Penney stated that with population growth, he supports the regulation changes on the Truckee River.

Neil Manji stated that the Department does not support changing the regulations on the Truckee River and introduced Dave Lenz, from the Fisheries Branch, to discuss fisheries biology and the Truckee River.

Dave Lenz stated that the Truckee River is one of the most productive streams in the State and discussed his involvement with the Department's trout management efforts dating back to 1989. He stated that the Department's recommendations for the Truckee River should maintain a diversity of angling opportunities for everyone, and that plenty of opportunities along the river will be available.

2. PRESENTATION BY DIRK ROSEN, MARINE APPLIED RESEARCH AND EXPLORATION, AND KONSTANTIN KARPOV, DFG, REGARDING THE REMOTE OPERATOR VEHICLE MONITORING PROGRAM OF THE CHANNEL ISLANDS MPAs.

Received presentation; received public testimony.

3. RECEIPT OF DEPARTMENT'S ANNUAL REVIEW OF WHITE SEABASS FISHERY MANAGEMENT PLAN FOR 2005-2006 FISHING SEASONS.

Received Department's report; received public testimony.

4. PURSUANT TO SECTION 2074.2 OF THE FISH AND GAME CODE, CONSIDERATION OF DEPARTMENT'S INITIAL REVIEW AND RECOMMENDATION ON THE PETITION TO UPLIST THE DELTA SMELT (*Hypomesus transpacificus*) FROM THREATENED TO ENDANGERED STATUS.

Received public testimony. The Commission made a finding that the petitioned action to uplist the delta smelt from threatened to endangered status may be warranted; and therefore, designated the delta smelt as a candidate for uplisting from threatened to endangered species status.

5. CONSIDERATION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO COMMISSION POLICY, RE: IMPLEMENTATION AND REVIEW OF COMMISSION POLICIES.

No report; received public testimony. The Commission approved adoption of proposed changes to Commission policy.

6. COMMISSION DISCUSSION AND POSSIBLE APPROVAL OF THE REVISED DRAFT MASTER PLAN FOR MARINE PROTECTED AREAS.

Received Department's report; received public testimony. The Commission discussed the Revised Draft Master Plan for Marine Protected Areas, and will consider adoption of the revisions at its August 9, 2007, meeting in Santa Barbara.

OTHER

7. RECEIPT OF DEPARTMENT LEGISLATIVE REPORT AND POSSIBLE CONSIDERATION OF COMMISSION POSITIONS ON PROPOSED LEGISLATION.

Received Department's report; received public testimony.

8. RECEIPT OF DEPARTMENT INFORMATIONAL ITEMS.

- (A) UPDATE ON DEPARTMENT'S BUDGET.

Received report; no public testimony.

- (B) UPDATE ON PPMC ISSUES.

No report; no public testimony.

- (C) UPDATE ON ENFORCEMENT.

Received report; no public testimony.

- (D) UPDATE ON THE SAN MIGUEL ISLAND ABALONE RESOURCE.

Received report; received public testimony.

- (E) UPDATE ON HALIBUT AND PINK SHRIMP FISHERIES.

Received report; no public testimony. The Commission requested that the Department provide a report regarding legal finding and reporting requirements for the recently implemented Fish and Game Code regarding halibut and pink shrimp fisheries by July 2, 2007, for the Commissioner's July meeting binders.

- (F) UPDATE ON SALTON SEA.

Received report; no public testimony.

- (G) UPDATE ON REGULATIONS REGARDING TIMBER HARVEST PLANS AND COHO SALMON PURSUANT TO FISH AND GAME CODE SECTION 2112.

Received report; received public testimony.

- (H) UPDATE ON ALDS.

Received report; received public testimony.

- (I) OTHER.

Deputy Director Mastrup reported that the Department will provide the Commission a memo that outlines reported concerns regarding Scientific Collecting Permits.

9. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.

(A) STAFF REPORTS.

I. UPDATE ON SCOTT BAR SALAMANDER SECTION 100 RULEMAKING.

Deputy Executive Director Fischer reported that staff had submitted a regulatory rulemaking package, Section 100, to the Office of Administrative Law (OAL) on May 10, 2007, to add Scott Bar Salamander to Title 14, Section 670.5.

(B) OTHER.

Executive Director Carlson discussed a possible Commission workshop, and said that an update will be given at the July Commission Meeting in Bridgeport. He also reported that staff is working with the Department on possible proposals for future regulatory cycles and regulation procedures.

Executive Director Carlson also discussed changing the December Commission meeting location to Sacramento because of difficulty finding meeting rooms and hotel accommodations.

10. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS.

(A) MARINE RESOURCES COMMITTEE.

No report; received public testimony. Commissioner Sutton will be serving on the Marine Resources Committee.

(B) AL TAUCHER'S PRESERVING HUNTING AND SPORT FISHING OPPORTUNITIES ADVISORY COMMITTEE.

Next meeting will be on June 21, 2007, in Davis at Yolo Wildlife Area.

11. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS.

Received report from Tony Morton of NOAA Fisheries; received public testimony.

12. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.

No report; no public testimony.

13. NEW BUSINESS.

Report received; public testimony received.

EXECUTIVE SESSION
(NOT OPEN TO PUBLIC)

PURSUANT TO THE AUTHORITY OF GOVERNMENT CODE SECTION 11126(a)(1) AND (e)(1), AND SECTION 309 OF THE FISH AND GAME CODE, THE COMMISSION WILL MEET IN CLOSED EXECUTIVE SESSION. THE PURPOSE OF THIS EXECUTIVE SESSION IS TO CONSIDER:

A. PENDING LITIGATION TO WHICH THE COMMISSION IS A PARTY.

- I. CENTER FOR BIOLOGICAL DIVERSITY vs. CALIFORNIA FISH AND GAME COMMISSION RE: TIGER SALAMANDER.
- II. CALIFORNIA FORESTRY ASSOCIATION, ET AL., vs. CALIFORNIA FISH AND GAME COMMISSION RE: COHO SALMON.
- III. JACK MORICI vs. CALIFORNIA FISH AND GAME COMMISSION RE: COMMERCIAL FISHING LICENSE.
- IV. BIG CREEK LUMBER COMPANY AND CENTRAL COAST FOREST ASSOC. vs. CALIFORNIA FISH AND GAME COMMISSION RE: COHO LISTING, SOUTH OF SAN FRANCISCO.
- V. LINDY O'LEARY vs. CALIFORNIA FISH AND GAME COMMISSION RE: R.R.S.A.C. AND R.R.S.S. PERMIT DENIALS.
- VI. NATURAL RESOURCES DEFENSE COUNCIL, ET AL., vs. CALIFORNIA FISH AND GAME COMMISSION RE: CALIFORNIA CONDORS EXPOSURE TO LEAD AMMUNITION.
- VII. ROBERT LARRY EDER, JUSTIN WESLEY YAGER AND BYRAN D. RANDALL vs. CALIFORNIA FISH AND GAME COMMISSION RE: DUNGENESS CRAB VESSEL PERMITS.

B. POSSIBLE LITIGATION INVOLVING THE COMMISSION.

C. STAFF PERFORMANCE AND COMPENSATION.

D. RECEIPT OF HEARING OFFICER RECOMMENDATIONS ON LICENSE AND PERMIT ITEMS AND ADOPTION OF COMMISSION FINDINGS:

**State of California
FISH AND GAME COMMISSION
(916) 653-4899
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**Meeting of
June 8, 2007 (Fri.)
8:30 a.m.**

**Truckee Donner Public Utility District
Board Room
11570 Donner Pass Road
Truckee**

AGENDA

ALL MEETINGS OPEN TO THE PUBLIC

DISCUSSION ITEMS

NOTE: Items may be heard on either day and in any order pursuant to the determination of the Commission President.

14. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION.

No Commission Action.

15. DISCUSSION OF REQUEST TO PUBLISH NOTICE OF COMMISSION INTENT TO MODIFY REPORT CARD STRUCTURE FOR ABALONE, STURGEON, STEELHEAD AND SALMON, AND TO ESTABLISH A LOBSTER REPORT CARD.

Received report; received public testimony. The Department will move forward with developing an Initial Statement of Reasons so the Commission can publish notice of its intent to amend appropriate sections of Title 14 at its August 10, 2007, meeting in Santa Barbara.

16. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTION 29.85, TITLE 14, CCR, RE: CRABS. (Note: The adoption hearing is scheduled for August 10, 2007, in Santa Barbara.)

No report; no public testimony. The Commission will consider adoption of the proposed changes at its August 10, 2007, meeting in Santa Barbara.

17. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTIONS 251.7, 257, 300 AND 600, TITLE 14, CCR, RE: POSSESSION OF GAME BIRDS, RESIDENT SMALL GAME DEFINED, SEASONS AND BAG LIMITS FOR UPLAND GAME BIRDS, AND REGULATIONS FOR LICENSED GAME BIRD CLUBS. (Note: The adoption hearing is scheduled for July 13, 2007, in Bridgeport.)

Received Department's report; received public testimony. The Commission will consider adoption of the proposed changes at its July 13, 2007, meeting in Bridgeport.

18. RECEIPT OF PUBLIC RECOMMENDATIONS AND REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF INTENT TO CONSIDER AMENDMENTS OF THE MIGRATORY GAME BIRD (WATERFOWL) REGULATIONS FOR 2007-2008. (Note: The adoption hearing is scheduled for August 10, 2007, in Santa Barbara.)

Received report; received public testimony. The Commission authorized its staff to publish notice of its intent to amend the waterfowl regulations for 2007 - 2008. The Commission will consider adoption of the proposed changes at its August 10, 2007, meeting in Santa Barbara. The Department will need to provide its Pre-Adoption Statement to the Commission office as soon as possible.

19. CONSIDERATION OF 2007-2008 CALIFORNIA DUCK STAMP AND DUCKS UNLIMITED M.A.R.S.H. PROJECTS.

Received report; no public testimony. The Commission approved the 2007- 2008 California Duck Stamp and Ducks Unlimited M.A.R.S.H. projects proposed by the Department. If there is a need to amend or delete any of the approved projects, the Commission will be informed of this at a future date.

- 19 (A) RECONSIDERATION OF DEPARTMENT RECOMMENDATION FOR SPECIES TO BE DEPICTED ON THE CALIFORNIA DUCK STAMP FOR 2007-2011. (ADDED TO THE AGENDA BY THE COMMISSION ON JUNE 5, 2007)

Received report; no public testimony. The Commission approved the Department's request to re-use the original 1971 Pintail Stamp as the 2007-2008 California Duck Stamp. This is necessary because there were no responses to the Department's request for proposals for the 2007 California Duck Stamp. In 2006, the Commission approved depiction of a Redhead on the 2007-2008 California Duck Stamp; instead it is now slated to be depicted on the California Duck Stamp in 2010.

The Commission recommended that the Department simplify the Request for Proposal process as a means to encourage more artists to enter their artwork for consideration.

20. STATUS UPDATE ON DRAFT ENVIRONMENTAL DOCUMENT, RECEIPT OF SPECIAL REPORT AND SUPPLEMENTAL INFORMATION, AND RECEIPT OF PUBLIC TESTIMONY ON PROPOSALS TO AMEND SECTIONS 353 AND 475, TITLE 14, CCR, RE: METHODS AUTHORIZED FOR TAKING BIG GAME AND METHODS OF TAKE FOR NONGAME BIRDS AND NONGAME MAMMALS.

Received report; received public testimony. The Commission will consider adoption of these proposed changes at its July 13, 2007, meeting in Bridgeport. The Commission requested the Department finalize the Environmental Document in time for the meeting.

21. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTION 704, TITLE 14, CCR, RE: AUTOMATED LICENSE DATA SYSTEM - LICENSE BUYER SURCHARGE. (Note: The adoption hearing is scheduled for July 13, 2007, in Bridgeport.)

Received public testimony. The Commission will consider adoption of the proposed changes at its July 13, 2007, meeting in Bridgeport.

CONSENT CALENDAR

22. RECEIPT OF RECOMMENDATIONS AND REQUEST TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTION 1.17 AND VARIOUS SECTIONS, TITLE 14, CCR, RE: ALBACORE AND BLUEFIN TUNA BAG LIMITS. (Note: The discussion hearing is scheduled for July 13, 2007, in Bridgeport.)

The Commission authorized its staff to publish notice of Commission intent to amend Section 1.17 and various Sections, Title 14, CCR, regarding albacore and bluefin tuna bag limits, and will consider adoption of the proposed changes at the August 10, 2007, meeting in Santa Barbara.

23. REQUEST OF KEVIN LUNNY, DRAKES BAY OYSTER COMPANY, TO ADD MANILA CLAMS (*Tapes japonica*), OLYMPIA OYSTER (*Ostrea conchaphila*), EASTERN OYSTER (*Crassostrea virginica*), KUMAMOTO OYSTER (*Crassostrea sikamea*), SUMINOE OYSTER, (*Crassostrea ariakensis*), BAY MUSSELS (*Mytilus galloprovincialis*), AND PURPLE HINGED ROCK SCALLOPS (*Hinnites multirugosus*) TO THE LIST OF SPECIES FOR MARICULTURE PURPOSES AT THEIR DRAKES ESTERO LEASE NO. M-438-01.

Agenda item removed at the request of Drakes Bay Oyster Company.

24. RECEIPT OF PETITION TO DELIST THE AMERICAN PEREGRINE FALCON (*Falco peregrinus anatum*) FROM THE LIST OF ENDANGERED SPECIES.

The Commission received the petition to delist the American Peregrine Falcon from the list of endangered species. The Commission will consider the petition and the Department's recommendation at its October 11, 2007, meeting in Concord.

25. REQUEST TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTIONS 550, 551, AND 552, TITLE 14, CCR, RE: STATE AND FEDERAL AREAS. (Note: The discussion hearing is scheduled for July 13, 2007, in Bridgeport.)

The Commission authorized its staff to publish notice of Commission intent to amend Sections 550, 551, and 552, Title 14, CCR, regarding state and federal areas. The Commission will receive public testimony at its July 13, 2007, meeting in Bridgeport, and will consider adoption of the proposed changes at its August 10, 2007, meeting in Santa Barbara.

26. APPROVAL OF ANNUAL REPORT AND 2007-2008 PRIVATE LANDS HABITAT ENHANCEMENT AND WILDLIFE AREA PLANS FOR:

- (A) BANGOR RANCH, YUBA COUNTY
- (B) BAR B6 WILDLIFE MANAGEMENT AREA, SAN LUIS OBISPO COUNTY
- (C) BIG BLUFF RANCH, TEHAMA COUNTY
- (D) BLACK RANCH, SHASTA COUNTY
- (E) CAMP 5 OUTFITTERS, MONTEREY COUNTY
- (F) CARNAZA WILDLIFE MANAGEMENT AREA, SAN LUIS OBISPO COUNTY
- (G) CEDAR CANYON RANCH, SAN LUIS OBISPO COUNTY
- (H) CHIMNEY ROCK RANCH, SAN LUIS OBISPO COUNTY
- (I) CLARK AND WHITE RANCH, SAN LUIS OBISPO COUNTY
- (J) CLARKS VALLEY/RED ROCK RANCH, LASSEN COUNTY
- (K) COON CREEK RANCH, SANTA CLARA COUNTY
- (L) DEFRANCESCO AND EATON RANCH, MERCED COUNTY
- (M) DEMERA RANCH, LAKE COUNTY
- (N) ENG RANCH, SAN LUIS OBISPO COUNTY
- (O) GABILAN RANCH, MONTEREY COUNTY
- (P) LONE RANCH, SAN BENITO COUNTY
- (Q) MEISSNER RANCH, SHASTA COUNTY
- (R) MENDIBOURE RANCH, LASSEN COUNTY
- (S) RANCHO LA CUESTA, SAN BENITO COUNTY
- (T) ROCK CREEK RANCH, BUTTE COUNTY
- (U) ROOSTER COMB RANCH, STANISLAUS COUNTY
- (V) R-R RANCH, MENDOCINO COUNTY
- (W) SCHNEIDER RANCH, MENDOCINO COUNTY
- (X) SPANISH VALLEY RANCH, NAPA COUNTY
- (Y) SPRING VALLEY RANCH, MENDOCINO COUNTY
- (Z) STEWART RANCH, TRINITY COUNTY
- (AA) SUGARLOAF RANCH, YUBA COUNTY
- (BB) TEMBLOR WILDLIFE MANAGEMENT AREA, SAN LUIS OBISPO COUNTY
- (CC) TG&C CARRISA, SAN LUIS OBISPO COUNTY
- (DD) WHITE CLOUD RESOURCES-LOWER BURGER RANCH, MENDOCINO COUNTY
- (EE) WORK RANCH, MONTEREY COUNTY

Approved; no public testimony.

27. CONSIDERATION OF APPROVAL OF PRIVATE LANDS HABITAT ENHANCEMENT AND WILDLIFE AREA LICENSE (2007-2012) AND 2007-2008 MANAGEMENT PLAN FOR:

- (A) AVENALES RANCH, SAN LUIS OBISPO COUNTY

The Commission approved Private Lands Habitat Enhancement and Wildlife Area Licenses (2007-2012) and 2007-2008 Management Plans as specified by the Department.

(C) TRINCHERO RANCH, SAN BENITO COUNTY

The Commission approved Private Lands Habitat Enhancement and Wildlife Area Licenses (2007-2012) and 2007-2008 Management Plans, as specified by the Department.

28. PLM SEASON MODIFICATION FOR THE MILLER-ERIKSEN RANCH (CHANGE OPENING DATE FROM JULY 14, 2007 TO JULY 13, 2007).

Approved; no public testimony.

OTHER

29. ANNOUNCEMENT OF FUTURE MEETINGS.

The next Commission meetings will be held on July 12 and 13 in Bridgeport; August 9 and 10 in Santa Barbara; October 11 and 12, in Concord. Also, staff will be looking at options in Sacramento for the December 6 and 7 meeting and bring them back, for possible approval, by the Commission at the next meeting.